

## Message

**From:** Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]  
**Sent:** 9/5/2018 2:46:11 AM  
**To:** Francis.J.Brooke; [EOP email address/Ex. 6] Aaron.L.Szabo; [EOP email address/Ex. 6]  
**CC:** Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]  
**Subject:** Fwd: USDA Comments on 2019 RVO proposed rule  
**Attachments:** 1038 USDA.PDF; ATT00001.htm

Let's discuss.

---

Bill Wehrum  
Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
(202) 564-7404

Begin forwarded message:

**From:** "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>  
**Date:** September 4, 2018 at 8:23:33 PM EDT  
**To:** "Wehrum, Bill" <Wehrum.Bill@epa.gov>  
**Cc:** "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Grundler, Christopher" <grundler.christopher@epa.gov>, "Orlin, David" <Orlin.David@epa.gov>  
**Subject:** USDA Comments on 2019 RVO proposed rule

Bill:

Last week you requested a copy of the comments that USDA submitted on the 2019 RVO rule. With apologies for the delay in getting these to you, here they are.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Ben



United States Department of Agriculture  
Office of the Chief Economist  
Washington, D.C. 20250-3812

## MEMORANDUM

TO: Environmental Protection Agency (EPA) Docket for  
*Notice of Proposed Rulemaking*  
*Docket ID: EPA-HQ-OAR-2018-0167*

FROM: U.S. Department of Agriculture (USDA); Office of the Chief Economist (OCE)

DATE: August 15, 2018

SUBJECT: Technical responses on EPA assumptions related to the setting of the annual standards, the annual percent standards and cost calculations of the RFS

This memorandum provides United States Department of Agriculture (USDA) comment and support for comments in the docket concerning inclusion of waived volumes, estimates of annual small refinery waivers and language concerning the ability of EPA to make different reductions in the total and advanced mandates when using the cellulosic waiver authority.

### I. Summary

In its proposed rule *Renewable Fuel Standard Program: Standards for 2019 and Biomass-Based Diesel Volume for 2020*, the EPA proposes the Renewable Fuel Volume Obligations (RVOs), the analytical support in setting those RVOs, the setting of the percent standards to achieve those RVOs and an assessment of the cost of implementation.

The USDA is one of the agencies which participates in the internal comment period as the publication of the final rule is in development. We are therefore one of the commenters that appear in the docket. However, we would publicly comment on specific points appearing from all commentators in the docket concerning issues, after reviewing the docket and the proposed rule, which the USDA feels strongly should be considered when addressing the final rule.

USDA stresses that its comments with regard to setting of the percent standard are more accurate and improve transparency, which itself improves program function. USDA does not disagree with the appropriateness of the use of the cellulosic waiver authority in lowering the total and cellulosic standards, but disagrees with the newly stated constraints the EPA places on the agency when those waivers are applied. These comments also address the inconsistencies between the cost and the percent standard approaches, which have historically failed to achieve the RVO standard set in the analysis and rule making.

## II. USDA support and extends comments to the docket

The EPA proposed rule, in setting the total RVO standards, extensively examines the ability of the market to supply the needed fuel to achieve those volumes. At the same time, for practical reasons, the EPA converts that total into a percent standard so that individual obligated party changes in year to year practices do not result in large, or biased, deviations from the total RVO set based on its analysis. The EPA then calculates a cost of changes in the RVO total, *based on achieving those totals*. The USDA agrees with points in the docket which suggest that the current methodology in projecting zero small refinery waivers and volumes in the preliminary rule is inappropriate and results in an analytical inconsistency, significantly reduces the transparency of EPA operations and increases the uncertainty for market participants. Further the USDA supports corrective suggestions for using a realistic projection of waived small refinery volumes of gasoline and diesel production in the docket concerning these points.

A. Key Issue/comment from interagency review: *Your change in tone on use of the Cellulosic waiver authority when reducing the total and advanced mandates, imposing on yourself that they be reduced the same amount, should be removed and remain consistent with your previous rules noting that this simply reflects a preference for advanced over conventional fuels, if available, when backfilling the cellulosic waiver.*

### 4. Total Renewable Fuel

As for advanced biofuel, we are proposing the maximum reduction permissible under the cellulosic waiver authority. We are proposing that the reduction in total renewable fuel would be the less than the reduction in advanced biofuel, such that the resulting implied volume requirement for conventional renewable fuel would be 15.5 billion gallons. The additional 500 mgal above 15bgal is to account for the amount of waived volumes in previous years including the increase in the standard that would have been required in 2015 following from the court determination that EPA had incorrectly chosen waivers incorrectly due to "inadequate domestic supply".

The USDA agrees with this comment with respect to the EPA's tone on changes to the advanced and total mandates. In past EPA statements, and the reading of the *ACE* court decision, indicate that EPA has wide latitude in setting the total and advanced mandates when applying the cellulosic waiver authority. It is unclear why EPA would add or reinforce language which places a constraint on its future actions.

Under a scenario where the market was able to absorb much more ethanol, but supplies of advanced fuels (including bio-diesel) were significantly constrained, the result of the artificial constraint laid out by EPA in the proposed rule would be to give preference to 0% GHG reductions (gasoline usage) over 20%+ GHG reductions (corn ethanol) in some circumstances. While the USDA does not have specific comment on the inclusion of the 500mg associated with the *ACE* court decision, it agrees that the current language would make such corrective measures more difficult and reduces the flexibility of implementation.

B. Key Issue/comment from interagency review: *Include an estimate for 2019 small refinery waivers based on the waivers granted over the past two years. Current procedures ensure the RVO isn't met.*

The USDA strongly agrees with this conclusion, in addition and beyond the commenters points, USDA notes that the lack of a proper or correct estimate of small refinery waivers causes an inconsistency

between the EPA analysis of available supplies used in setting the RVOs, the percent standards, the costs calculated for the program, and EPA assertions that actions are 'RIN stock neutral'. Current methodology results in over estimating costs, a failure to hit the total RVO supported by the analysis, and has resulted in a more than doubling of carry in stocks of RINs, despite the year over year increase in the stated total RVO.

The EPA sets the total RVO based upon analysis of supply, waiving the cellulosic mandate, and subsequently the Advanced and Total mandates. The RVO mandates are set at a level EPA believes attainable. Setting aside other arguments about the setting of these volumes, the EPA analysis targets these volumes to be achieved, in total, by the obligated parties.

In the next step, where EPA converts the total RVOs into a percent standard, it inserted a 0 in the cells marked *Projected volume of gasoline for exempt small refineries (GE)* and *Projected volume of diesel for exempt small refineries (DE)* when putting out the final rule despite the docket showing it previously included an estimate for the two numbers. The USDA strongly agrees with the comments that these numbers should reflect a true estimate of small refineries waivers that may be granted using EPA's history in the most recent compliance years, and further that not doing so likely ensures the RVOs are not met.

Table I-1  
Proposed Volume Requirements<sup>a</sup>

	2018 <sup>b</sup>	2019 Statutory Volumes	2019 Proposed Volumes	2020 Proposed Volumes
Cellulosic biofuel (million gallons)	268	8,500	362	n/a
Biomass-based diesel (billion gallons)	2.1	≥1.0	2.1 <sup>c</sup>	2.4
Advanced biofuel (billion gallons)	4.29	13.00	4.88	n/a
Renewable fuel (billion gallons)	19.29	28.00	20.38	n/a

(Tables from interagency comment where a two year average is proposed, not published proposed rule tables)

With the guidance by the court from the *ACE* ruling on small refinery waivers and recent EPA actions noted in the proposed rule, while the volume of diesel and gasoline exempted from small refineries must be projected, and cannot be known with certainty in advance, we can say that the *least* likely numbers are the zeros put in the proposed rule. Because the EPA does not estimate this number in the proposed rule, the setting of the percent standards is strongly biased to one side (low) resulting in a significantly lower resulting RVO than that volume analyzed, targeted and assigned a cost in the proposed rule.

The USDA notes the interagency comments appear to suggest using the average of the last two years of available data (2016 and 2017) to project the volumes of gasoline and diesel that will be exempted, while a later draft which includes non-zero values in these lines suggests a proposal to use the most up to date 2017 data as an estimate for waivers likely to be given in 2019. The USDA, noting that little of

Table VII.C-1  
Values for Terms in Calculation of the Proposed 2019 Standards<sup>147</sup> (billion gallons)

Term	Description	Value
RFV <sub>CS</sub>	Required volume of cellulosic biofuel	0.382
RFV <sub>BD</sub>	Required volume of biomass-based diesel	2.10
RFV <sub>AB</sub>	Required volume of advanced biofuel	4.88
RFV <sub>RF</sub>	Required volume of renewable fuel	20.38
G	Projected volume of gasoline	143.76
D	Projected volume of diesel	56.46
RG	Projected volume of renewables in gasoline	15.24
RD	Projected volume of renewables in diesel	2.83
GS	Projected volume of gasoline for opt-in areas	0.00
RG <sub>S</sub>	Projected volume of renewables in gasoline for opt-in areas	0.00
DS	Projected volume of diesel for opt-in areas	0.00
RDS	Projected volume of renewables in diesel for opt-in areas	0.00
GE	Projected volume of gasoline for exempt small refineries	6.46
DE	Projected volume of diesel for exempt small refineries	2.54

the data on small refinery data is available to the public for analysis, suggests either method, conducted by the EPA, is likely to be superior to that in the proposed rule where zeros are inserted. Finally, using the scant information contained in the rule and made public by the EPA, it would appear that the stock of RINs available has increased by more than 1.8 billion to over 3.4 billion RINs as a result of the biased use of zeros in the projection of small refinery waivers. As a result, the setting of the RVO without considering the small refinery waivers makes the analysis no-longer 'RIN stock neutral' as described, showing another inconsistency of the method.

C. Summary of Inconsistencies of EPA Action

- Extensive analysis sets the total RVO set at 19.88
- Small refinery waivers projected at zero, if similar to last year, true number closer to 8.18 billion gallons of gasoline and 5.44 billion gallons of diesel, consistent with the EPA submission in the docket.  
<https://www.regulations.gov/contentStreamer?documentId=EPA-HQ-OAR-2018-0167-0103&attachmentNumber=16&contentType=pdf>
- The EPA assesses a cost of an additional 500mg of advanced fuel in raising the advanced RVO from 2018, and assumes that full 500mg will be met. The issuance of small refinery waivers while including a zero in the percent standard calculations means this overestimates the costs.
- RVO attained is likely to be 1.35 billion gallons less than targeted, supported by EPA analysis and assessed a cost.

D. *Given the importance of small refinery waivers granted and the new information you provide, it would be appropriate to provide information on numbers of operations and total volumes waived, the status of 2018 waivers at the time of the release and a discussion about the use of small refinery waiver estimates for gasoline and diesel. Part of this could come in section "RIN Market Operations".*

The USDA concurs with this assessment, noting that the lack of public information regarding the number and size of small refinery waivers adds volatility to the RIN markets and reduces market transparency and market efficiency, raising costs of the program. Providing additional information, in aggregate to protect individual identities, on a periodic basis and announcing it at the same time that the interested parties are notified, would improve RIN market function.

## Message

**From:** Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]  
**Sent:** 5/11/2018 1:06:23 PM  
**To:** Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]  
**Subject:** RE: White House Agreement

Yes -this is exactly right. I'll touch base with Andy.

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**From:** Wehrum, Bill  
**Sent:** Friday, May 11, 2018 9:04 AM  
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Subject:** Fwd: White House Agreement

Does this look right to you? If so, would you work with Andrew to provide a coordinated response? Thanks

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Bill Wehrum  
Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
(202) 564-7404

Begin forwarded message:

**From:** "Brooke, Francis J. EOP/WHO" **EOP / Ex. 6**  
**Date:** May 10, 2018 at 6:31:07 PM EDT  
**To:** "Wheeler, Andrew" <wheeler.andrew@epa.gov>, "Wehrum, Bill@epa.gov" <Wehrum.Bill@epa.gov>  
**Cc:** "Starling, Ray A. EOP/WHO" **EOP / Ex. 6**  
**Subject:** White House Agreement

Andrew and Bill,

Below is the White House agreement on the RFS **Deliberative Process / Ex. 5**

## Deliberative Process / Ex. 5

Thanks so much,  
- Francis

## Deliberative Process / Ex. 5

# **Deliberative Process / Ex. 5**

Francis J. Brooke  
Special Assistant to the President  
National Economic Council

**EOP / Ex. 6**

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Message

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**From:** Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]  
**Sent:** 4/30/2018 5:11:47 PM  
**To:** Szabo, Aaron L. EOP/CEQ; **EOP / Ex. 6**  
**Attachments:** 2019 RFS NPRM RIN transparency language\_clean.docx; EO12866\_RFS 2019 Annual Rule 2060-AT93 NPRM FRN\_20190427\_mmg.docx

**Mandy M. Gunasekara**  
Principal Deputy Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency



## Message

**From:** Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]  
**Sent:** 5/14/2018 9:24:04 PM  
**To:** Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, E]  
**CC:** Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]  
**Subject:** Re: Small Refinery exemptions from the renewable fuel standard

# Deliberative Process / Ex. 5

Sent from my iPhone

On May 14, 2018, at 4:22 PM, Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)> wrote:

Begin forwarded message:

**From:** "Cory, Preston (Katherine)" <[Cory.Preston@epa.gov](mailto:Cory.Preston@epa.gov)>  
**Date:** May 14, 2018 at 2:56:47 PM EDT  
**To:** "O'Connell, James M. EOP/WHO" EOP / Ex. 6 "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Subject:** RE: Small Refinery exemptions from the renewable fuel standard

Hi Jim,

Let me track down an update for you. I'll give our air team a call.

Thanks,  
Preston

**K. Preston Cory**  
Director of Intergovernmental Relations  
Office of the Administrator  
U.S. Environmental Protection Agency  
202-579-4281

**From:** O'Connell, James M. EOP/WHO EOP / Ex. 6  
**Sent:** Monday, May 14, 2018 2:55 PM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Cory, Preston (Katherine)

<Cory.Preston@epa.gov>

**Subject:** Small Refinery exemptions from the renewable fuel standard

Tate and Cory,

Do you all have any info on the Small Refinery exemptions from the renewable fuel standard? I have some questions incoming from some folks and want to know where it currently stands. I don't know the issue well but I am happy to chat further on it. Thanks

-Jim

White House Political Affairs

Message

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**From:** Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]  
**Sent:** 5/25/2018 1:13:28 PM  
**To:** Brooke, Francis J. EOP/WHO **EOP / Ex. 6**  
**Subject:** Memo  
**Attachments:** WTO Analysis\_Sid Austin 2017.docx **Deliberative Process / Ex. 5** 2018 04 06.docx

Hey Francis,

Attached is the draft memo with some very quick edits to reflect yesterday's conversation. There may be sections in it that need to be taken out. I just felt the need to include the **Deliberative Process / Ex. 5** What's the timeline here? If we have over the weekend, I'm happy to work on this with our OGC to improve it.

I've also attached a WTO analysis I received a while ago that may be useful in the broader discussions.

Mandy

**Mandy M. Gunasekara**  
Principal Deputy Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency

## Message

**From:** Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]  
**Sent:** 6/1/2018 4:37:14 PM  
**To:** Shuford, Campbell - OSEC, Washington, DC [Campbell.Shuford@osec.usda.gov]; Starling, Ray A. EOP/WHO  
 [EOP / Ex. 6]; Brooke, Francis J. EOP/WHO [EOP / Ex. 6]  
**CC:** Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]; Starling, Raymond - OSEC, Washington, DC [Raymond.Starling@osec.usda.gov]; Appleton, Brooke - OSEC, Washington DC [Brooke.Appleton@osec.usda.gov]; Beach, Allie - OSEC, Washington, DC [Allison.Beach@osec.usda.gov]  
**Subject:** RE: Touch base  
**Attachments:** Sinclair Overview.docx

+Francis Brooke

Let's use our conference line:

**Conference phone and code / Ex. 6**

Finally, I've attached a one-pager we developed to help guide the discussion. Look forward to connecting soon.

Best,  
 Mandy

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**From:** Shuford, Campbell - OSEC, Washington, DC [mailto:Campbell.Shuford@osec.usda.gov]  
**Sent:** Friday, June 1, 2018 12:32 PM  
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Starling, Ray A. EOP/WHO  
 [EOP / Ex. 6]  
**Cc:** Wehrum, Bill <Wehrum.Bill@epa.gov>; Starling, Raymond - OSEC, Washington, DC <Raymond.Starling@osec.usda.gov>; Appleton, Brooke - OSEC, Washington DC <Brooke.Appleton@osec.usda.gov>; Beach, Allie - OSEC, Washington, DC <Allison.Beach@osec.usda.gov>  
**Subject:** RE: Touch base

Mandy,

12:45PM works well. Should we have Ray and the Deputy call you at [Personal Phone / Ex. 6]

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**From:** Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]  
**Sent:** Friday, June 1, 2018 12:22 PM  
**To:** Starling, Ray A. EOP/WHO [EOP / Ex. 6]  
**Cc:** Wehrum, Bill <Wehrum.Bill@epa.gov>; Shuford, Campbell - OSEC, Washington, DC <Campbell.Shuford@osec.usda.gov>; Starling, Raymond - OSEC, Washington, DC <Raymond.Starling@osec.usda.gov>  
**Subject:** RE: Touch base

Perfect – 12:45 works for us and is preferred, but we can make 3:30 work. Please have Dep. Sec. Censky and whoever else join from your end. Thank you

---

**From:** Starling, Ray A. EOP/WHO [EOP / Ex. 6]  
**Sent:** Friday, June 1, 2018 12:19 PM  
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Cc:** Wehrum, Bill <Wehrum.Bill@epa.gov>; Campbell.Shuford@osec.usda.gov; Raymond.Starling@osec.usda.gov  
**Subject:** Re: Touch base

Absolutely will make time. May I ask Deputy Secretary Censky to join our call? Maybe around 12:45 or post 3:30 PM?

Looping in Campbell as she can help us all coordinate and adding my USDA email as this one will die on Monday.

Thanks,  
-Ray

Ray A. Starling  
Special Assistant to the President  
National Economic Council

On Jun 1, 2018, at 12:11 PM, Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)> wrote:

Hey Ray,  
Bill and I'd like to touch base regarding the recent attention to some of our SRE decisions. Is there a time that is good today? You can reach us whenever on **Personal Phone / Ex. 6**

**Mandy M. Gunasekara**  
Principal Deputy Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency

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## Message

**From:** Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]  
**Sent:** 5/11/2018 3:06:45 PM  
**To:** Wheeler, Andrew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=17a1669ef5b54fba8cb457845308787e-Wheeler, An]  
**Subject:** RE: White House Agreement

## Deliberative Process / Ex. 5

**From:** Wheeler, Andrew  
**Sent:** Friday, May 11, 2018 10:13 AM  
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Subject:** RE: White House Agreement

## Deliberative Process / Ex. 5

**From:** Gunasekara, Mandy  
**Sent:** Friday, May 11, 2018 9:37 AM  
**To:** Wheeler, Andrew <[wheeler.andrew@epa.gov](mailto:wheeler.andrew@epa.gov)>  
**Subject:** Re: White House Agreement

Do you need any help drafting a response?

Sent from my iPhone

On May 10, 2018, at 7:35 PM, Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)> wrote:

### Deliberative Process / Ex. 5

Sent from my iPhone

On May 10, 2018, at 7:23 PM, Wheeler, Andrew <[wheeler.andrew@epa.gov](mailto:wheeler.andrew@epa.gov)> wrote:

FYI

Sent from my iPhone

Begin forwarded message:

**From:** "Brooke, Francis J. EOP/WHO" **EOP / Ex. 6**  
**Date:** May 10, 2018 at 6:31:07 PM EDT  
**To:** "Wheeler, Andrew" <[wheeler.andrew@epa.gov](mailto:wheeler.andrew@epa.gov)>, "[Wehrum.Bill@epa.gov](mailto:Wehrum.Bill@epa.gov)" <[Wehrum.Bill@epa.gov](mailto:Wehrum.Bill@epa.gov)>  
**Cc:** "Starling, Ray A. EOP/WHO" **EOP / Ex. 6**  
**Subject:** White House Agreement

Andrew and Bill,

Below is the White House agreement on the RFS

**Deliberative Process / Ex. 5**

## **Deliberative Process / Ex. 5**

Thanks so much,

- Francis

## **Deliberative Process / Ex. 5**

Francis J. Brooke  
Special Assistant to the President  
National Economic Council

**EOP / Ex. 6**

## Message

**From:** Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]  
**Sent:** 5/24/2018 1:54:13 PM  
**To:** Ford, Hayley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4748a9029cf74453a20ee8ac9527830c-Ford, Hayle]  
**Subject:** Fwd: [SPAM-Sender] Fwd: Discussion Document for Tomorrow  
**Attachments:** RFS Term Sheet for 5-24-18 NEC Hosted Discussion.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Brooke, Francis J. EOP/WHO" [EOP / Ex. 6]  
**Date:** May 23, 2018 at 9:21:54 PM EDT  
**To:** Bill Wehrum <Wehrum.Bill@epa.gov>, Mandy Gunasekara <gunasekara.mandy@epa.gov>  
**Subject:** [SPAM-Sender] Fwd: Discussion Document for Tomorrow

Let me know if you have any issues with the attached.

Sent from my iPhone

Begin forwarded message:

**From:** "Starling, Ray A. EOP/WHO" [EOP / Ex. 6]  
**Date:** May 23, 2018 at 9:18:58 PM EDT  
**To:** "Knight, Shahira E. EOP/WHO" [EOP / Ex. 6], "Brooke, Francis J. EOP/WHO" [EOP / Ex. 6]  
**Cc:** "Gross, Mackenzie A. EOP/WHO" [EOP / Ex. 6], "Brady, Lillie J. EOP/WHO" [EOP / Ex. 6]  
**Subject:** Discussion Document for Tomorrow

I think the attached will help focus the discussion and close loopholes tomorrow.

It should look familiar.

I'm going to send to USDA so nobody is surprised by this format and assume Francis will want to do the same w/ EPA.

OBVIOUSLY, let me know if you think this has problems and Mac or Lillie can help us fix before the meeting.

Thanks,  
-Ray



## Message

**From:** Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]  
**Sent:** 6/1/2018 4:04:42 PM  
**To:** Curry, Cat E. EOP/WHO [EOP / Ex. 6]  
**CC:** Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]  
**Subject:** RE: Contact Marc on Behalf of Administrator Pruitt  
**Attachments:** Sinclair Overview.docx

Hey Cat,

Thank you for setting up the call. I just sent the attached to Marc, but to ensure you have the most up to date version of the memo as well, please refer to the attached. It is time stamped as 12 PM.

Best,  
Mandy

---

**From:** Curry, Cat E. EOP/WHO [EOP / Ex. 6]  
**Sent:** Friday, June 1, 2018 11:26 AM  
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Cc:** Wehrum, Bill <Wehrum.Bill@epa.gov>  
**Subject:** RE: Contact Marc on Behalf of Administrator Pruitt

Absolutely. It'll be closer to 1145 I think, if that's ok. His schedule has gotten a little backed up this morning.

---

**From:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Sent:** Friday, June 1, 2018 11:23 AM  
**To:** Curry, Cat E. EOP/WHO [EOP / Ex. 6]  
**Cc:** Wehrum, Bill <Wehrum.Bill@epa.gov>  
**Subject:** RE: Contact Marc on Behalf of Administrator Pruitt

For the 1130 call, can you please print out the attached for Marc?

---

**From:** Curry, Cat E. EOP/WHO [EOP / Ex. 6]  
**Sent:** Friday, June 1, 2018 10:15 AM  
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Cc:** Wehrum, Bill <Wehrum.Bill@epa.gov>  
**Subject:** RE: Contact Marc on Behalf of Administrator Pruitt

Hi Mandy,

Would you be able to connect around 11:30am? if not, Marc is flexible then until about 1:30pm.

Thanks,  
Cat

---

**From:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Sent:** Friday, June 1, 2018 10:11 AM  
**To:** Curry, Cat E. EOP/WHO [EOP / Ex. 6]  
**Cc:** Wehrum, Bill <Wehrum.Bill@epa.gov>  
**Subject:** Contact Marc on Behalf of Administrator Pruitt

Hi Cat,

Hayley and Danielle forwarded your contact information. The Administrator requested Assistant Administrator Bill Wehrum (cc'd) and I get in touch with Marc to follow-up on pending RFS matters. Is there a good time for us to connect with him? We will adjust our schedules to accommodate.

Best,  
Mandy

**Mandy M. Gunasekara**

Principal Deputy Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency

Message

---

**From:** Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]  
**Sent:** 6/1/2018 4:03:29 PM  
**To:** marc.t.short; **EOP / Ex. 6**  
**CC:** Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]  
**Subject:** RFS 1 pager  
**Attachments:** Sinclair Overview.docx

Following up from the conversation, attached is the 1-pager we will be sending to USDA and members of the Senate.

**Mandy M. Gunasekara**  
Principal Deputy Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency

Message

---

**From:** Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]  
**Sent:** 8/1/2017 12:23:39 PM  
**To:** Catanzaro, Michael J. EOP/WHO: **EOP / Ex. 6**  
**Subject:** RFS  
**Attachments:** EPA RFS Options\_principal mtg DRAFT.docx

This is what the boss will be working from.

**Mandy M. Gunasekara**  
Senior Policy Advisor for Office of Air and Radiation  
Office of the Administrator  
US Environmental Protection Agency

## Message

**From:** Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]  
**Sent:** 6/20/2018 12:27:00 AM  
**To:** Brooke, Francis J. EOP/WHO [Ex. 6]  
**Subject:** RE:

This makes it easier and [Deliberative Process / Ex. 5] on what we want to do.

**Deal with USDA:**All of these actions are happening in the proposed RVO:

- First and foremost, we are announcing proposed volumes for the 4 main categories (this is standard protocol for every annual rule).
- In the allocation portion of the proposed rule, we are (for the first time) projecting the amount of expected small refinery exemption gallons that will be exempted for 2019. This is new and a big deal as it is a form of projected/preliminary reallocation.
- We are also announcing the initiation of a separate parallel process to set a deadline by which future small refinery exemptions will have to be submitted so for future annual RVO rules EPA does not have to project the number of exempted gallons but can account for the number based on any granted petitions.

**EVENT with USDA Secretary Perdue and US EPA Administrator Pruitt:** To announce the Proposed 2019 Renewable Volume Obligations (RVO) Rule under the Renewable Fuel Standard (RFS) and important changes to how we account for anticipated small refinery exemptions when setting the volumes for next year.

**Location:** Farm in Kansas City, Missouri (USDA confirming location)

**Outside Officials Invited:** Missouri Gov. Mike Parson; Missouri Secretary of Agriculture Ms. Chris Chinn

**Set-up:** Gov. Parson will introduce the Secretary and Administrator. They will each give a short statement on the proposed 2019 RFS rule and the important role it will play in fulfilling the administration's commitment to America's Farmers while providing regulatory certainty to the refining community. Sec. Chinn will then moderate a 45-minute-to-one-hour-long discussion that will highlight issues important to the agricultural community. The issue of particular focus will be a change in how EPA accounts for the anticipated small refinery exemptions when setting the volumes for next year (projected reallocation). This action will address concerns expressed by farmers, Sens. Ernst and Grassley and other agriculture interests, who have asserted that EPA's small refinery exemptions have undermined the president's commitment to uphold the RFS.

**From:** Jackson, Ryan  
**Sent:** Tuesday, June 19, 2018 8:18 PM  
**To:** 'Brooke, Francis J. EOP/WHO' [Ex. 6]  
**Subject:**

I wanted to let you know what we've arrived at with USDA. This let's [Deliberative Process / Ex. 5] without thinking there's discord in the family.

However, both want to announce this Friday. So I need to ensure you know. My cell is [Ex. 6]

Ryan Jackson  
Chief of Staff  
U.S. Environmental Protection Agency  
(202) 564-6999

## Message

**From:** Hengst, Benjamin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C414E2BF04A246BB987D88498EEFF06-HENGST, BENJAMIN]  
**Sent:** 9/8/2016 9:04:45 PM  
**To:** McCabe, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d2ca413e5a534895bd6042d82e5b5f63-McCabe, Janet]; Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]  
**CC:** Lewis, Josh [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22d1d3bb3f84436a524f76ab6c79d7e-JOLEWIS]  
**Subject:** RE: email into  
**Attachments:** Discussion with Michael Levi on RFS topics.docx

Hi Janet--

The OTAQ team met today to discuss this meeting (Chris--**Deliberative Process / Ex. 5**). Byron and I will be covering, along with OGC.

## Deliberative Process / Ex. 5

I've attached an outline that we wouldn't plan to share, but thought you could take a look at to see if it makes sense.

Thanks  
Ben

-----Original Message-----

**From:** McCabe, Janet  
**Sent:** Monday, September 05, 2016 9:27 PM  
**To:** Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>  
**Subject:** FW: email into

A bit of detail from Mike Levi about the topics he'd like to discuss in our call with him on Friday.

-----Original Message-----

**From:** Levi, Michael A. EOP/WHO [mailto:**EOP / Ex. 6**]  
**Sent:** Monday, September 05, 2016 9:17 PM  
**To:** McCabe, Janet <McCabe.Janet@epa.gov>  
**Subject:** RE: email into

Hi Janet - Hope you had a nice long weekend. I'd love to talk about RIN market data collection and transparency. **Deliberative Process / Ex. 5**

## Deliberative Process / Ex. 5

-----Original Message-----

**From:** McCabe, Janet [mailto:McCabe.Janet@epa.gov]  
**Sent:** Sunday, September 4, 2016 10:37 AM  
**To:** Levi, Michael A. EOP/WHO **EOP / Ex. 6**  
**Subject:** Re: email into

Mike--I see our call is scheduled for this coming Friday. Can you let me know where you want to focus the discussion on so I can let my RFS team know and they can be as prepared as possible? I haven't asked them to prepare any material, but if you have questions or issues you can share in advance, that will help us have a productive discussion.

Thanks

Sent from my iPhone

> On Aug 19, 2016, at 4:19 PM, McCabe, Janet <McCabe.Janet@epa.gov> wrote:

>

> Thanks! We're still pretty elated over here. It's actually one of the best landings we've had for a big rule--lots of work by the team to make it so.

>

> I look forward to meeting you soon.

>

> Sent from my iPhone

>

>> On Aug 19, 2016, at 4:17 PM, Levi, Michael A. EOP/WHO [REDACTED] wrote:

>>

>> Congrats on getting the HDV rule out by the way! Great public reception -- testament to everything you guys did to work with stakeholders.

>>

>> Mike

>>

>> -----Original Message-----

>> From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]

>> Sent: Friday, August 19, 2016 4:11 PM

>> To: Levi, Michael A. EOP/WHO [REDACTED]

>> Cc: Loving, Shanita <Loving.Shanita@epa.gov>

>> Subject: Re: email into

>>

>> Shanita--when you get around to scheduling this meeting, it will involve Ben Hengst and others from the RFS team, including OGC. Thanks

>>

>> Sent from my iPhone

>>

>>> On Aug 19, 2016, at 3:33 PM, Levi, Michael A. EOP/WHO [REDACTED] wrote:

>>>

>>> Hi Janet -

>>>

>>> Glad to connect.

>>>

>>> Shanita - I'm back in DC on Tuesday and around indefinitely -- please let me know when might be good.

>>>

>>> Have a great weekend everyone.

>>>

>>> Mike

>>>

>>> -----Original Message-----

>>> From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]

>>> Sent: Friday, August 19, 2016 10:34 AM

>>> To: Utech, Dan G. EOP/WHO [REDACTED]

>>> Cc: Levi, Michael A. EOP/WHO [REDACTED] Loving, Shanita <Loving.Shanita@epa.gov>

>>> Subject: Re: email into

>>>

>>> Thanks, Dan, and hi Mike. I'm copying Shanita Loving, who is managing my calendar now and can help coordinate the meeting.

>>>

>>> Sent from my iPhone

>>>

>>>> On Aug 19, 2016, at 9:54 AM, Utech, Dan G. EOP/WHO [REDACTED] wrote:

>>>>

>>>> Janet - per our conversation, Mike Levi will be following up with your office. Best person and number for him to reach out to? Thanks.



Message

---

**From:** KeyesFleming, Gwen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7E15F12F183D4F839B8786D74BF9E40E-KEYES FLEMING, GWEN]  
**Sent:** 8/4/2013 8:05:43 PM  
**To:** Dan Utech EOP / Ex. 6  
**CC:** McCabe, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d2ca413e5a534895bd6042d82e5b5f63-McCabe, Janet]  
**Subject:** Fw: 2103 RFS slides  
**Attachments:** RFS 2013 Volume Standards NFRM jm 8-4-13.pptx

Dan,  
Here are the 2013 RFS slides taken from the fact sheet. I have cc'd Janet on this email for ease of making changes if necessary. I have not received ed any invite for a meeting tomorrow. Given my relatively new status, I'm not sure my information has been widely known. Please forward what you have so I can make sure the right folks are in the room. Thanks!

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** McCabe, Janet  
**Sent:** Sunday, August 4, 2013 3:20 PM  
**To:** KeyesFleming, Gwen  
**Subject:** Fw: 2103 RFS slides

See if these work...

---

**From:** Janet McCabe Personal Email / Ex. 6  
**Sent:** Sunday, August 04, 2013 3:18:57 PM  
**To:** McCabe, Janet  
**Subject:** 2103 RFS slides

## Message

**From:** McCabe, Janet [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D2CA413E5A534895BD6042D82E5B5F63-MCCABE, JANET]  
**Sent:** 8/9/2013 3:30:38 PM  
**To:** Deputy Administrator [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dc00d1f496a345a791f3c5e082854d64-Perciaspe, Bob]  
**Subject:** Re: RINS final close yesterday

That's my thought too--will get you more.

**From:** Deputy Administrator  
**Sent:** Friday, August 09, 2013 11:28:13 AM  
**To:** McCabe, Janet  
**Subject:** Re: RINS final close yesterday

OK

Also

## Deliberative Process / Ex. 5

Bob  
 Deputy Administrator  
 202 368 8193 (c)  
 202 564 4711 (o)

**From:** McCabe, Janet  
**Sent:** Friday, August 9, 2013 11:22 AM  
**To:** Deputy Administrator  
**Subject:** Re: RINS final close yesterday

Bob--getting more info on the exempted refinery...

**From:** David Marchick <David.Marchick@carlyle.com>  
**Sent:** Friday, August 09, 2013 9:17:30 AM  
**To:** McCabe, Janet; Deputy Administrator; 'rminsk'  
**Subject:** RINS final close yesterday

## EOP / Ex. 6

Settlement posted \$.67 v. anticipated \$.65. Apparently it takes a while for the official trade to close as they use a type of weighted average to post the number.

Also, there is a WSJ editorial today on the exemption for one refinery - it is circulating like hotcakes. Apparently many refiners are not happy about the waiver for one refinery. My gut is that conservatives on the hill will use this as an issue. Wanted to give you a heads up.

Dave

\*\*\*\*\*

< CONFIDENTIALITY NOTICE >

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## Message

**From:** Brooke, Francis J. EOP/WHO [REDACTED] **EOP / Ex. 6**  
**Sent:** 5/11/2018 3:04:08 PM  
**To:** Wheeler, Andrew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=17a1669ef5b54fba8cb457845308787e-Wheeler, An]; Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]  
**CC:** Starling, Ray A. EOP/WHO [REDACTED] **EOP / Ex. 6**  
**Subject:** RE: White House Agreement

Great, thanks Andrew.

---

**From:** Wheeler, Andrew <wheeler.andrew@epa.gov>  
**Sent:** Friday, May 11, 2018 10:48 AM  
**To:** Brooke, Francis J. EOP/WHO [REDACTED] **EOP / Ex. 6**; Wehrum, Bill <Wehrum.Bill@epa.gov>  
**Cc:** Starling, Ray A. EOP/WHO [REDACTED] **EOP / Ex. 6**  
**Subject:** RE: White House Agreement

## Deliberative Process / Ex. 5

---

**From:** Brooke, Francis J. EOP/WHO [REDACTED] **EOP / Ex. 6**  
**Sent:** Thursday, May 10, 2018 6:31 PM  
**To:** Wheeler, Andrew <wheeler.andrew@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>  
**Cc:** Starling, Ray A. EOP/WHO [REDACTED] **EOP / Ex. 6**  
**Subject:** White House Agreement

Andrew and Bill,

Below is the White House agreement on the RFS reached at the meeting earlier this week. The same language is being sent to USDA as well. Please affirmatively sign off of this agreement or provide any feedback you have by noon tomorrow.

Thanks so much,  
- Francis

---

# Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

Francis J. Brooke  
Special Assistant to the President  
National Economic Council

**EOP / Ex. 6**

**Submit Time:** 2/14/2007 22:01:25  
**From:** "Epifani, Lisa E." [REDACTED] EOP / Ex. 6  
**Subject:** FW: WH Energy Team Meeting - AFS Draft Review (Please Note Location Change)  
**To:** Neel.Kashkari@do.treas.gov "Hurst, Kevin D." [REDACTED] EOP / Ex. 6 > Robert Meyers/DC/USEPA/US@EPA "Harbert, Karen" <Karen.Harbert@hq.doe.gov> "Kupfer, Jeffrey" <Jeffrey.Kupfer@hq.doe.gov> "Hill, David R." <David.Hill@hq.doe.gov> Bill Wehrum/DC/USEPA/US@EPA "Rainey, Robert H." [REDACTED] EOP / Ex. 6  
**Cc:** "Moore, April K." [REDACTED] EOP / Ex. 6

If you are coming from outside, please send April Moore (cc'd above) your clearance info.

*Thank you,*

*Lisa Epifani*

*Special Assistant to the President for Economic Policy*

*National Economic Council*

[REDACTED] **Ex. 6**

---

**From:** Moore, April K.  
**Sent:** Wednesday, February 14, 2007 4:39 PM  
**To:** Anderson, David R.; Epifani, Lisa E.; Findlater, Jamie N.; Hall, Martin L.; Ho, Benjamin T.; Hutto, Chase; Jenkins, Laura M.; Joyce, William T.; Katz, Jeremy L.; Langdon, James C.; Looney, Andrea B.; Mamo, Jeanie S.; McGuinness, Martin E.; Moore, April K.; Savelieff, Ludmilla L.; Shrier, Jonathan A.; Wallingford, Crystal D.  
**Subject:** FW: WH Energy Team Meeting - AFS Draft Review (Please Note Location Change)

**Subject:** WH Energy Team Meeting - AFS Draft Review

Attached please find the initial draft for the Alternative Fuel Standard.

We will review the draft at the WH Energy Team meeting tomorrow.

## Ex. 5 Deliberative Process (DP)

The plan is to get the draft into OMB review on the 20<sup>th</sup> and ready to share with the Hill by March 1.

Date: Thursday the 15<sup>th</sup>

Time: 10:00am

Plane Room 66 – Please note this is a change from our usual room.

*Thank you,*

*Lisa Epifani*

*Special Assistant to the President for Economic Policy*

*National Economic Council*

Personal Phone / Ex. 6

AFSLegis21406.doc



**Subject:** 2/16/07 draft

**To:** Lisa\_E.\_Epifani@ **EOP / Ex. 6**

**Cc:** CN=Bill Wehrum/OU=DC/O=USEPA/C=US@EPA CN=Michael

Catanzaro/OU=DC/O=USEPA/C=US@EPA CN=Charles Ingebretson/OU=DC/O=USEPA/C=US@EPA

**From:** CN=Robert Meyers/OU=DC/O=USEPA/C=US

**Submit Time:** 2/16/2007 23:36:25

Lisa -- this is my current draft based on conversations yesterday. By my count, here is what we have, in no particular order of importance:

# Deliberative Process / Ex. 5



# Deliberative Process / Ex. 5



AFSdraftlegislation2\_16.doc AFSdraftlegislation2\_16.doc AFSCalculation of Compliance



Values.doc AFSCalculation of Compliance Values.doc

**Submit Time:** 2/17/2007 01:52:25

**From:** "Epifani, Lisa E." EOP / Ex. 6

**Subject:** Alt Fuel Standard Leg Draft - Meeting Tuesday (tentatively 4pm)

**Cc:** "Moorhead, Hunter" EOP / Ex. 6 > Keith.Collins@usda.gov  
 Chuck.Conner@usda.gov Neel.Kashkari@do.treas.gov Robert Meyers/DC/USEPA/US@EPA Bill  
 Wehrum/DC/USEPA/US@EPA "Rainey, Robert H." EOP / Ex. 6 > "Hurst, Kevin  
 D." EOP / Ex. 6 > "Russell, Richard M." EOP / Ex. 6 > "Katz,  
 Jeremy L." EOP / Ex. 6 "Hennessey, Keith" EOP / Ex. 6  
**To:** "Anderson, David R." EOP / Ex. 6 > "Epifani, Lisa E."  
 EOP / Ex. 6 "Findlater, Jamie N." EOP / Ex. 6 "Hall,  
 Martin L." EOP / Ex. 6 "Ho, Benjamin T." EOP / Ex. 6 > "Hutto,  
 Chase" EOP / Ex. 6 "Jenkins, Laura M." EOP / Ex. 6  
 "Joyce, William T." EOP / Ex. 6 > "Katz, Jeremy L."  
 EOP / Ex. 6 "Langdon, James C." EOP / Ex. 6 "Looney,  
 Andrea B." EOP / Ex. 6 "Mamo, Jeanie S." EOP / Ex. 6  
 "McGuinness, Martin E." EOP / Ex. 6 "Moore, April K."  
 EOP / Ex. 6 "Savelieff, Ludmilla L." EOP / Ex. 6 "Shrier,  
 Jonathan A." EOP / Ex. 6 "Wallingford, Crystal D."  
 EOP / Ex. 6 "Carroll, J. Kevin" EOP / Ex. 6 > "Sandoli,  
 Robert" EOP / Ex. 6

Attached is a redline copy of the working draft of the AFS. It reflects comments from the group's Thursday meetings.

Below please find Bob's explanation of some the changes. Thanks Bob.

Please hold 4pm Tuesday the 21st for another AFS meeting. We will review the changes and clarify the open questions for the Principals.

If the proposed time is bad, please let me know asap. I will send an email confirming the time and place Tuesday morning.

The Principals' Meeting has been set for Thursday at 4pm.

I think if the Principals' meeting goes smoothly, we can turn around an AFS draft by Monday the 26th - drop it in OMB review that Monday the 26th - and have it done by Friday March 2nd. It could be ready to share with Hill by week of March 6th.

Thanks,  
 Lisa E.

Personal Phone / Ex. 6

-----Original Message-----

From: Meyers.Robert@epamail.epa.gov

[mailto:Meyers.Robert@epamail.epa.gov]

Sent: Friday, February 16, 2007 6:36 PM

To: Epifani, Lisa E.

Cc: Wehrum.Bill@epamail.epa.gov; Catanzaro.Michael@epamail.epa.gov;

Ingebretson.Charles@epamail.epa.gov

Subject: 2/16/07 draft

Lisa -- this is my current draft based on conversations yesterday. By my count, here is what we have, in no particular order of importance:

# **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

## Deliberative Process / Ex. 5

(See attached file: AFSdraftlegislation2\_16.doc)(See attached file:  
AFSCalculation of Compliance Values.doc)

AFSdraftlegislation2\_16.doc



AFSCalculation of Compliance Values.doc



**Submit Time:** 2/20/2007 15:12:46

**From:** "Epifani, Lisa E." EOP / Ex. 6

**Subject:** RE: Alt Fuel Standard Leg Draft - Meeting TODAY at 2:45pm

**Cc:** "Moorhead, Hunter" EOP / Ex. 6 > Keith.Collins@usda.gov

Chuck.Conner@usda.gov Neel.Kashkari@do.treas.gov Robert Meyers/DC/USEPA/US@EPA Bill

Wehrum/DC/USEPA/US@EPA "Rainey, Robert H." EOP / Ex. 6 > "Hurst, Kevin

D." EOP / Ex. 6 > "Russell, Richard M." EOP / Ex. 6 > "Katz,

Jeremy L." EOP / Ex. 6 "Hennessey, Keith" EOP / Ex. 6

**To:** "Epifani, Lisa E." EOP / Ex. 6 > "Anderson, David R."

EOP / Ex. 6 "Findlater, Jamie N." EOP / Ex. 6 > "Hall,

Martin L." EOP / Ex. 6 > "Ho, Benjamin T." EOP / Ex. 6 > "Hutto,

Chase" EOP / Ex. 6 "Jenkins, Laura M." EOP / Ex. 6

"Joyce, William T." EOP / Ex. 6 > "Katz, Jeremy L."

EOP / Ex. 6 "Langdon, James C." EOP / Ex. 6 > "Looney,

Andrea B." EOP / Ex. 6 > "Mamo, Jeanie S." EOP / Ex. 6

"McGuinness, Martin E." EOP / Ex. 6 > "Moore, April K."

EOP / Ex. 6 "Savelieff, Ludmilla L." EOP / Ex. 6 "Shrier,

Jonathan A." EOP / Ex. 6 > "Wallingford, Crystal D."

EOP / Ex. 6 "Carroll, J. Kevin" EOP / Ex. 6 "Sandoli,

Robert" EOP / Ex. 6

TODAY

Room: EEOB 211

Time: 2:45

We will meet to review the latest draft of the AFS and clarify open questions for the Principals' Thursday meeting.

Please send your clearance information to April Moore

EOP / Ex. 6

For those you cannot come over, please call in at:

Conference phone and code / Ex. 6

Thanks,

Lisa E.

Personal Phone / Ex. 6

-----Original Message-----

From: Epifani, Lisa E.

Sent: Friday, February 16, 2007 8:52 PM

To: Anderson, David R.; Epifani, Lisa E.; Findlater, Jamie N.;  
Hall, Martin L.; Ho, Benjamin T.; Hutto, Chase; Jenkins, Laura  
M.; Joyce, William T.; Katz, Jeremy L.; Langdon, James C.;  
Looney, Andrea B.; Mamo, Jeanie S.; McGuinness, Martin E.; Moore,  
April K.; Savelieff, Ludmilla L.; Shrier, Jonathan A.;  
Wallingford, Crystal D.; Carroll, J. Kevin; Sandoli, Robert  
Cc: Moorhead, Hunter; 'Keith.Collins@usda.gov';  
'Chuck.Conner@usda.gov'; 'Neel.Kashkari@do.treas.gov';  
'Meyers.Robert@epamail.epa.gov'; Wehrum.Bill@epamail.epa.gov;  
Rainey, Robert H.; Hurst, Kevin D.; Russell, Richard M.; Katz,  
Jeremy L.; Hennessey, Keith  
Subject: Alt Fuel Standard Leg Draft - Meeting Tuesday  
(tentatively 4pm)

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that Monday the 26th - and have it done by Friday March 2nd. It could be ready to share with Hill by week of March 6th.

Thanks,

Lisa E.

Personal Phone / Ex. 6

-----Original Message-----

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[mailto:Meyers.Robert@epamail.epa.gov]

Sent: Friday, February 16, 2007 6:36 PM

To: Epifani, Lisa E.

Cc: Wehrum.Bill@epamail.epa.gov;  
Catanzaro.Michael@epamail.epa.gov;  
Ingebretson.Charles@epamail.epa.gov

Subject: 2/16/07 draft

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**Deliberative Process / Ex. 5**



# **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

(See attached file: AFSdraftlegislation2\_16.doc) (See attached file:

AFSCalculation of Compliance

Values.doc) AFSdraftlegislation2\_16.doc



AFSCalculation of Compliance Values.doc



**Submit Time:** 2/21/2007 23:17:56

**From:** "Moore, April K." EOP / Ex. 6

**Subject:** AFS Legislation and Summary

**Cc:** "Moorhead, Hunter" EOP / Ex. 6 > Keith.Collins@usda.gov

Chuck.Conner@usda.gov Neel.Kashkari@do.treas.gov Robert.Meyers@DC/USEPA/US@EPA Bill

Wehrum@DC/USEPA/US@EPA "Rainey, Robert H." EOP / Ex. 6 "Hurst, Kevin

D." EOP / Ex. 6 > "Russell, Richard M." EOP / Ex. 6 > "Katz,

Jeremy L." EOP / Ex. 6 "Hennessey, Keith" EOP / Ex. 6

**To:** "Epifani, Lisa E." EOP / Ex. 6 "Anderson, David R."

EOP / Ex. 6 "Findlater, Jamie N." EOP / Ex. 6

"Hall, Martin L." EOP / Ex. 6 "Ho, Benjamin T." EOP / Ex. 6 > "Hutto,

Chase" EOP / Ex. 6 "Jenkins, Laura M." EOP / Ex. 6 > "Katz,

Jeremy L." EOP / Ex. 6 "Langdon, James C."

EOP / Ex. 6 > "Looney, Andrea B." EOP / Ex. 6 "Mamo,

Jeanie S." EOP / Ex. 6 > "McGuinness, Martin E."

EOP / Ex. 6 > "Savelieff, Ludmilla L." EOP / Ex. 6

"Shrier, Jonathan A." EOP / Ex. 6 "Wallingford, Crystal D."

EOP / Ex. 6 "Carroll, J. Kevin" EOP / Ex. 6 "Sandoli,

Robert" EOP / Ex. 6 "Kupfer, Jeffrey" <Jeffrey.Kupfer@hq.doe.gov>

Karen.Harbert@hq.doe.gov David.Hill@hq.doe.gov

Hello,

Please note the AFS Legislation and Summary -- sent from Lisa Epifani.

-----Original Message-----

**From:** Meyers.Robert@epamail.epa.gov

**To:** Epifani, Lisa E.

**Sent:** Wed Feb 21 17:56:27 2007

**Subject:** AFS Legislation and Summary

Attached please find a new redline of the AFS legislation incorporating yesterday's meeting plus the separate comments of DOE recieved earlier and discussed at the meeting. Please also find a AFS summary based on this legislation. Outside of the revisions pursuant to yesterday's meeting, further review provided some technical tweaks.

# Deliberative Process / Ex. 5

Any questions, please just give me a call.(See attached file:

AFSLegislation2\_21\_07v2.doc) (See attached file: AFSSummary.doc)

AFSLegislation2 21 07v2.doc



AFSSummary.doc



**Subject:** Fw: AFS 20 in 10 Draft Bill and Summer Driving Challenge  
**To:** CN=Bill Wehrum/OU=DC/O=USEPA/C=US@EPA CN=Charles Ingebretson/OU=DC/O=USEPA/C=US@EPA CN=Michael Catanzaro/OU=DC/O=USEPA/C=US@EPA  
**Cc:**  
**From:** CN=Robert Meyers/OU=DC/O=USEPA/C=US  
**Submit Time:** 3/13/2007 20:39:59

FYI -- attached is email which went to the 'drafting group' this afternoon. The attached legislation is basically what I sent around earlier with a few more minor tweaks. We were requested to transmit to OMB for their formal review -- I have forwarded to OCIR to do this today.

----- Forwarded by Robert Meyers/DC/USEPA/US on 03/13/2007 04:38 PM -----

"Epifani, Lisa E."

EOP / Ex. 6

03/13/2007 04:32 PM

To "Hennessey, Keith"

EOP / Ex. 6

"Fiddelke, Debbie S."

EOP / Ex. 6

"Looney, Andrea

B."

EOP / Ex. 6

"McGuinness,

Martin E."

EOP / Ex. 6

"Jackson, Barry S."

EOP / Ex. 6

"McCormack, Brian V."

EOP / Ex. 6

"Anderson,

David R."

EOP / Ex. 6

Chase"

EOP / Ex. 6

"Hutto,

T."

EOP / Ex. 6

"Wolverton,

Maryann"

EOP / Ex. 6

"Blank,

Gary D."

EOP / Ex. 6

"Shrier,

Jonathan A."

EOP / Ex. 6

"Kupfer, Jeffrey" <Jeffrey.Kupfer@hq.doe.gov>,

"Harbert, Karen" <Karen.Harbert@hq.doe.gov>,

A.Karsner@ee.doe.gov, Chuck Conner@usda.gov,

"Moorhead, Hunter"

EOP / Ex. 6

Robert Meyers/DC/USEPA/US@EPA, Michael

Catanzaro/DC/USEPA/US@EPA, Tyler.Duvall@dot.gov,

"Katz, Jeremy L."

EOP / Ex. 6

cc "Epifani, Lisa E."

EOP / Ex. 6

Subject AFS 20 in 10 Draft Bill and Summer Driving Challenge

Attached please find the draft Alternative Fuel Standard legislative text. EPA will submit the attached draft to the OMB process to initiate the formal review today.

# Deliberative Process / Ex. 5



# Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

*Thank you,  
Lisa Epifani  
Special Assistant to the President for Economic Policy  
National Economic Council*

**Personal Phone / Ex. 6**



AFS 3.13.07.doc AFS 3.13.07.doc

**Subject:** Fw: Status check - AFS text and review process comments and cover letter  
**To:** CN=Bill Wehrum/OU=DC/O=USEPA/C=US@EPA CN=Michael Catanzaro/OU=DC/O=USEPA/C=US@EPA CN=Stephanie Daigle/OU=DC/O=USEPA/C=US@EPA  
**Cc:**  
**From:** CN=Robert Meyers/OU=DC/O=USEPA/C=US  
**Submit Time:** 3/16/2007 18:13:52

Having some small computer issues -- this may be resend to you -- but making sure got there.

----- Forwarded by Robert Meyers/DC/USEPA/US on 03/16/2007 02:14 PM -----

**Robert Meyers/DC/USEPA/US**

03/16/2007 02:06 PM

To"Epifani, Lisa E."

**EOP / Ex. 6**

cc"Getto, Ben" <Ben.Getto@hq.doe.gov>, "Kupfer, Jeffrey" <Jeffrey.Kupfer@hq.doe.gov>, "Harbert, Karen" <Karen.Harbert@hq.doe.gov>

SubjectRe: Status check - AFS text and review process comments and cover letter

Attached please find a redline of the AFS bill based on all of the comments received and additional technical review. Attached also find a response to comments received.



AFSLegislation\_3.16.07V3.doc AFSLegislation\_3.16.07V3.doc AFS\_Leg.CompiledAgencyCmnts\_03\_16\_0



7.doc AFS\_Leg.CompiledAgencyCmnts\_03\_16\_07.doc

"Epifani, Lisa E."

**EOP / Ex. 6**

"Epifani, Lisa E."

**EOP / Ex. 6**

03/16/2007 01:26 PM

ToRobert Meyers/DC/USEPA/US@EPA, "Harbert, Karen" <Karen.Harbert@hq.doe.gov>, "Kupfer, Jeffrey" <Jeffrey.Kupfer@hq.doe.gov>, "Getto, Ben" <Ben.Getto@hq.doe.gov>

cc

SubjectStatus check - AFS text and review process comments and cover letter

Hello all-

Bob – Where are you on being able to send in the revised text and questions?

Karen – Do you have a revised AFS cover letter?

Goal – to circulate the new package for review @ 2:00pm

I want to host a final walk through clarification meeting at 4:45 today.

*Thank you,  
Lisa Epifani  
Special Assistant to the President for Economic Policy  
National Economic Council*

**Personal Phone / Ex. 6**